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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,004	11/01/2001	Arun Ramachandran	COM-002.3D	3292
26717	7590	12/29/2004	EXAMINER	
RONALD CRAIG FISH, A LAW CORPORATION			ABDI, KAMBIZ	
PO BOX 820			ART UNIT	
LOS GATOS, CA 95032			PAPER NUMBER	

3621

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/003,004

Applicant(s)

RAMACHANDRAN ET AL.

Examiner

Kambiz Abdi

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3 September 2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3621

### DETAILED ACTION

1. Claims 1-18 have been examined and are pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S Patent No. 6,799,277 to David S. Colvin.

4. As per claims 1 and 16, Colvin clearly teaches a process for collecting usage data and generating metrics that measure use in a usage based resource licensing system to measure usage of one or more resources by distributed clients, comprising:

1) using a monitoring or agent program installed on one or more distributed computers of licensees to collect usage data for usage of one or more resources installed on said one or more computers (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

2) transmitting said usage data to a usage measuring server from time to time (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

3) receiving and storing in a data structure in said usage measuring server said usage data collected by all said monitoring or agent programs to create buffers of raw usage data that store all usage data of all resources by all licensees, each said buffer of raw usage data containing data

Art Unit: 3621

recording use of one resource by one licensee, said usage data being segregated into logical or physical time compartments, each storing the usage data for usage during one time interval in a larger interval comprised of a sequence of contiguous ones of said time intervals (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

4) for each buffer of raw usage data of one resource by one user, using the appropriate distillation program to convert the raw usage data into metric data for each said time compartment of each said usage buffer and storing said metric data in said data structure (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56); and

5) if requested or scheduled, summarizing the metrics generated for each time interval during said larger interval (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65).

5. As per claims 2-15 and 17-18, Colvin clearly teaches a process for collecting usage data;

said usage measuring server is programmed to require a user name and password to log in for access to metric and/or usage data, and wherein said usage measuring server is programmed to use said user name and password to authenticate the identity of a user who has logged in and use said identity to consult configuration data that controls which metrics and/or raw usage data or metrics alone or metrics in combination with CSU units or CSU units alone to which said user may have access (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65).

wherein step 4 comprises processing each time compartment of usage data by following pointer data to the appropriate distillation program for the resource to which the usage data pertains and using that distillation program to process the usage data in the time compartment, and repeating this step for every time compartment of every usage data buffer (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65).

Art Unit: 3621

wherein each time said distillation program is run during the interval represented by said time compartment, all the usage data stored in said time compartment that has been stored before the time of execution of said distillation program is input to said distillation program such that the metrics for said time compartment are restated to include all the new usage data stored since the last execution of said distillation program (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65) (Colvin clearly teaches collection of multitude of data for authentication, authorization, usage determination, hardware association, user, association, as well as marketing and advertising information on distributed and registered electronic contents and software).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

or faxed to:

Art Unit: 3621

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

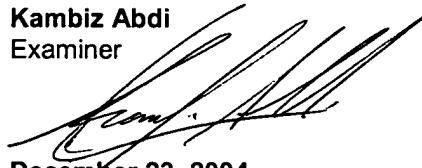
(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive**

**7th floor receptionist, Arlington, VA, 22202**

**Kambiz Abdi**  
Examiner

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', written over the printed name and title.

**December 23, 2004**